

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MICHAEL SHERWOOD,

Defendant.

CASE NO. CR22-0127JLR

ORDER

On July 24, 2024, at the close of Plaintiff the United States of America's ("the Government") case-in-chief, Defendant John Michael Sherwood made an oral motion for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29. (7/24/24 Min. Entry (Dkt. # 129)); *see also* Fed. R. Crim P. 29(a) (authorizing such motions before submission of the case to the jury). The court reserved ruling on the motion. (*See* 7/24/24 Min. Entry.) When Mr. Sherwood renewed his motion at the close of evidence, the court again reserved ruling on the motion. (7/25/24 Min. Entry (Dkt. # 133).) The

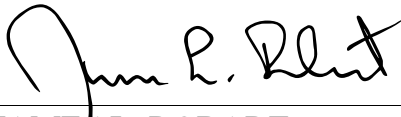
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1 case was submitted to the jury, which returned a guilty verdict on all counts. (*Id.*; Verdict
2 (Dkt. ## 139 (sealed), 140 (redacted)).)

3 Pursuant to Rule 29, upon a defendant's motion, the court "must enter a judgment
4 of acquittal of any offense for which the evidence is insufficient to sustain a conviction."
5 Fed. R. Crim. P. 29(a). "In determining whether evidence was insufficient to sustain a
6 conviction," the court considers "whether, 'after viewing the evidence in the light most
7 favorable to the prosecution, *any* rational trier of fact could have found the essential
8 elements of the crime beyond a reasonable doubt.'" *United States v. Gagarin*, 950 F.3d
9 596, 602 (9th Cir. 2020) (quoting *United States v. Nevils*, 598 F.3d 1158, 1163-64 (9th
10 Cir. 2010) (en banc)). Having presided over the trial and being familiar with the
11 evidence in this case, the court concludes the Government presented more than sufficient
12 evidence such that a rational trier of fact could have found the essential elements of the
13 crimes beyond a reasonable doubt.

14 Thus, to the extent Mr. Sherwood's Rule 29 motion remains pending, it is
15 DENIED (Dkt. # 129).

16 Dated this 1st day of August, 2024.

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18 JAMES L. ROBART
United States District Judge